

X Great Brit. - George III



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Cap. 86.

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Dividing and Inclosing certain Open and Common Fields called *Stretton Common Field*, and certain Common or Waste Grounds called *Stretton Heath* and *Stretton Horseshlead*, in the Parish of *Stretton on the Foss*, in the County of *Warwick*.



Whereas within the Parish of *Stretton on the Foss*, Preamble. in the County of *Warwick*, there are certain large, open, and common Fields called *Stretton Field*, containing by Estimation Forty-five Yardland or thereabouts, and also certain large Tracts of Common or waste Ground called *Stretton Heath* and *Stretton Horseshlead*, containing two hundred Acres or thereabouts:

And whereas *William Longford* and *George Hudleston Jervoise Purefoy*, Clerks, in Right of their Wives are seised of the perpetual Advowson, and the said *William Longford* is Rector and Incumbent of the said Parish of *Stretton on the Foss*, and as such the said *William Longford* is seised of and intitled unto all the Great Tithes of Corn and Hay, and to certain Vicarial and Small Tithes arising

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arising within the said Parish, and to Two Yardland there being Glebe :

And whereas the said *William Longford* and *John Hughes*, and divers other Persons, are (together with *John Widdows*, *John Evans*, and *John Edden*, Feoffees in Trust for the Poor of the said Parish as to One Half Yardland) seised of and are Owners and Proprietors of all the Lands and Grounds lying in the said common Field called *Stretton Field*, and are intituled to and do enjoy Common of Pasture for their Cattle in, over, and upon the said Common or waste Ground called *Stretton Heath* and *Stretton Horseshlead*, exclusive of all other Persons whatsoever :

And whereas the Lands of the said Proprietors in the said common Field lie intermixed, uninclosed, and dispersed in small Parcels, and the said Common or waste Ground is also uninclosed, and all the said Ground and Lands are in their present Situation incapable of any considerable Improvements :

And whereas the said *William Longford*, *John Hughes*, and other the Owners and Proprietors of the said Lands and Grounds within the said common Field called *Stretton Field*, are desirous that the same, and also the said Common or waste Ground called *Stretton Heath* and *Stretton Horseshlead*, may be inclosed, and that specifick Shares and Parts thereof may be assigned and allotted unto and amongst the Owners thereof and other Persons interested therein, in Proportion to their respective Interests and Properties :

But although such Inclosure and Allotment will tend greatly to the Advantage of the several Parties concerned, and be a great Improvement of their respective Properties and Interests in the said Lands and Ground ; **Yet** as the same cannot be effectually made and established without the Aid and Authority of Parliament ;

May it therefore please Your MAJESTY,

That it may be Enacted ; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said common Field called *Stretton Field*, and all the Common, Arable, Meadow, and Pasture Ground, and commonable Lands lying and being and comprized within the same, and also the said Common and waste Ground called *Stretton Heath* and *Stretton Horseshlead* aforesaid, shall, on or before the Tenth Day of *September* One thousand Seven hundred and Seventy-one, be divided, set out, and

and allotted by *Thomas Brown* of *Salperton*, in the County of *Gloucester*, Esquire, *Edward Gibbs* of *Stratford upon Avon*, in the County of *Warwick*, Esquire, and *John Newcomb* of *Brinclow*, in the same County, Gentleman, Commissioners appointed by this Act, and their Successors, or any Two of them, in Manner and subject to the Rules, Orders, and Directions herein-after mentioned, ordered, and prescribed.

And, for the more just and regular Division of the Lands and Grounds so to be divided and allotted, and for the better ascertaining the same, **It is hereby further Enacted and Declared,** Survey to be made. by the Authority aforesaid, That a true and perfect Survey and Admeasurement shall be made of the said common Field, and of all Common, Arable, Meadow, and Pasture Grounds, commonable Lands, Hades, and Balks comprized therein, and of the said Common or waste Ground called *Stretton Heath* and *Stretton Horselead*, some time before the Tenth Day of *June* One thousand Seven hundred and Seventy-one, or as soon after the same as conveniently may be done, by such Person or Persons as the said Commissioners, or any Two of them, shall for that Purpose nominate and appoint; to which said Person or Persons, so to be appointed Surveyor or Surveyors, the said Commissioners, or any Two of them, shall have Power to administer an Oath, justly and truly to measure and survey such Field according to the best of his and their Judgment; and such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches in the said common Field belonging to each Proprietor shall in such Survey be set forth, ascertained, specified, and described; and the said Survey when made shall be laid before the said Commissioners at all and every their Meetings to be had in pursuance of this Act.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, or their Successors, or any Two of them, shall, as soon as conveniently may be after the said Survey shall be laid before them as aforesaid, but before the said Tenth Day of *June* One thousand Seven hundred and Seventy-one, or as soon afterwards as conveniently may be, set out, ascertain, and allot the said common Field called *Stretton Field*, and all and every the common Meadows and commonable Lands, Arable, Meadow, and Pasture Grounds comprized therein, and also the said Common or waste Ground called *Stretton Heath* and *Stretton Horselead*, unto and amongst the several Persons who at the Time of making such Survey shall be intitled to Lands, Grounds, Tithes, Commons, and other Property therein as aforesaid, as near

as may be to their respective Dwellings, and in Proportion to their respective Shares, Interests, Right of Common, Tithes, and other Properties in, over, and out of the said common Field and Common or waste Ground respectively; but subject to the Rules, Orders, and Directions prescribed by this Act.

Allotment to
Lord of the
Manor.

And it is hereby further Enacted and Declared, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and may allot, set out, and appoint to and for the Lord or Lords of the Manor, or reputed Manor of *Stretton on the Foss*, by such Description only and not by Name, such separate and distinct Plot or Piece of Land out of the Ground hereby intended to be inclosed, as the said Commissioners, or any Two of them, shall in their Judgment or Discretion think a full Equivalent and Compensation to such Lord or Lords for his or their present and future Right and Interest of and in the waste Ground within the said Manor intended to be inclosed by virtue of this Act; which said Parcel and Quantity of Land so to be set out and allotted as aforesaid shall be in Lieu and full Satisfaction of and for the Right and Interest of such Lord or Lords to the waste Ground intended to be inclosed as aforesaid.

Allotment to
the Rector in
Lieue of
Tithes.

And be it further Enacted by the Authority aforesaid, That the said Commissioners, or any Two of them, shall set out, allot, and appoint to and for the said *William Longford* and his Successors (over and above and exclusive of such Lands and Grounds as shall be allotted to him by virtue of this Act in Lieu of and as a Compensation for his Lands and Grounds, as well Glebe as otherwise, which he now has in and over the said common Field called *Stretton Field*, and for his Interest and Right of Common in the said Common or waste Ground called *Stretton Heath* and *Stretton Horsestead*, such distinct and separate Plots, Parcels, and Quantities of Lands and Grounds so directed to be inclosed as aforesaid, as the said Commissioners, or any Two of them, shall in their Judgment and Discretion think a full Satisfaction and Compensation to the said Rector *William Longford* for his Rectorial or Great Tithes, and for the Vicarial or Small Tithes, or other Tithes due or belonging to the said *William Longford* within the said Fields, Grounds, and Places so intended to be inclosed; and the said Commissioners in such Allotments shall have due Regard to the full Value of the said Rectorial and Vicarial Tithes, so that the Property of the said *William Longford* be not lessened or diminished by the Allotments to be made to him as aforesaid; which said last Allotment shall be in Lieu, full Satisfaction, and Compensation for all the Great and Small Tithes whatsoever due and belonging, or to be claimed

claimed by the said *William Longford* and his Successors out of the said common Field and commonable Places of *Stretton on the Foss*, so intended to be inclosed by virtue of this Act.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners or their Successors, or any Two of them, shall allot and set out to and for the said *William Longford* and his Successors, Rectors of the said Parish (over and above and exclusive of the Lands to be allotted to him in Lieu of his said Tithes and Glebe Land as aforesaid) out of the Land and Ground directed by this Act to be divided and inclosed as aforesaid, which in pursuance of this Act shall be allotted to the respective Owners of any Messuages, Cottages, Tenements, Gardens, Orchards, or old inclosed Lands in the said Parish, subject or liable to the Payment of any Tithe to the said Rector, so much and such Parts of such respective Land and Ground belonging to such Owners respectively, as the said Commissioners making such Allotment shall think and adjudge to be a full Compensation to the said Rector and his Successors for the Tithes so due and payable, out of, for, or in respect of the said Messuages, Cottages, Tenements, Gardens, Orchards, or old Inclosures in the said Parish.

Allotments to be in Lieu of former Rights.

Provided always, and be it further Enacted, by the Authority aforesaid, That nothing in this Act contained shall extend to prejudice, lessen, or defeat the Right or Title of the said *William Longford* and his Successors, as Rectors as aforesaid, of, in, and to any Tithes, Modusses, or other Dues arising or renewing within or payable with respect of any Parcel or Parcels of ancient inclosed Land called *Ditchford Friary* and *Porto-Bello*, Part of the said Rectory of *Stretton on the Foss* aforesaid, or belonging thereto, or any other Lands, Tenements, or Hereditaments within the said Parish of *Stretton on the Foss*, the Owners or Proprietors whereof have no Lands, Grounds, Commons, Right, or Interest in the said common Fields, common Meadows, commonable Places, Common or waste Ground so intended to be inclosed as aforesaid; nor shall the same or any Thing herein contained prejudice, lessen, or defeat the Right or Title of the said *William Longford* and his Successors, as Rectors as aforesaid, to all or any Oblations, Mortuaries, *Easter Offerings*, or Surplice Fees whatsoever, arising within the said Parish of *Stretton on the Foss*, but that the same and every of them shall remain due and continue payable to the said Rector and his Successors, in the same Manner as before the Making and Passing of this Act.

Saving to Rector in other Places.

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Rector's Al-
lotment to be
inclosed at
Proprietors
Expence.

And be it further Enacted, by the Authority aforesaid, That the said Parcels of Ground to be by virtue of this Act set out, allotted, and awarded to and for the said *William Longford* and his Successors, Rectors of the said Parish, in Lieu of his said Tithes and Glebe Land, shall be laid out and allotted as near together and as contiguous to the Parsonage House at *Stretton* as conveniently may be, and the same, together with the Land or Ground to be set out, allotted, and awarded to the said Feoffees in Trust for the Poor of the said Parish, shall be inclosed and fenced round with Ditches and Quickset Hedges in such Manner as the said Commissioners or their Successors, or any Two of them, shall award, order, or direct; and that the said Hedges and Ditches shall be maintained, supported, and preserved during the Term of Seven Years by and at the Expence of the several Proprietors of the Lands lying in the said common Field called *Stretton Field* directed to be inclosed as aforesaid, in such Shares and Proportions as the said Commissioners or their Successors, or any Two of them, shall award, direct, or appoint; and that from and after the Expiration of the said Term of Seven Years the said Hedges and Ditches, so to be made as aforesaid, shall be preserved and maintained by and at the Expence of the said Rector and his Successors, and the said Feoffees and their Heirs respectively for ever.

No undue
Preference to
be given.

Provided always, and it is hereby Enacted and Declared, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Commissioners or their Successors, or any of them, to give any undue Preference to any of the Parties interested and concerned in the said Division or Inclosure, Allotments, or Shares in the said common Field and Common or waste Ground, contrary to the true Intent and Meaning of this Act; but that the said Commissioners or their Successors, in making their Allotments, shall have due Regard to the Quality, Situation, and Conveniency, as well as Quantity of the Lands and Grounds of the several Parties to or for whom the same shall be assigned, allotted, or appointed.

Power to ex-
change.

And be it further Enacted, by the Authority aforesaid, That for the more convenient Situation and Disposition of the several Farms and Lands of the several Owners of Lands within the Parish of *Stretton on the Foss* aforesaid, upon making the said intended Division, it shall and may be lawful to and for the said Commissioners and their Successors, or any Two of them, and they are hereby authorized and empowered to assign, allot, set out, and appoint any Messuages or ancient inclosed Lands or Grounds lying within the said Parish, which belong to any

any of the Owners or Proprietors of Lands or Grounds lying in the said common Field, Common, or waste Ground, in Lieu of and in Exchange for any other Messuages, Lands, and Grounds lying in the said common Field, Common, or waste Ground hereby directed to be inclosed and divided, or in Lieu of or for any other Messuages, old inclosed Lands or Grounds within the same Parish, so as all and every such Exchange or Exchanges as aforesaid to be made, be ascertained, specified, and declared in the Commissioners Award or Instrument hereby directed to be made and executed, and so as every such Exchange be made by and with the Consent and Approbation of the respective Proprietors of the Messuages, Lands, and Grounds to be exchanged, to be first signed by Writing under their Hands, and directed to the said Commissioners ; and all and every such Exchange and Exchanges so to be made as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Provided also, and it is hereby further Enacted, That if any Dispute or Difference shall arise between the said Parties interested in the said intended Division and Inclosure, or any of them (other than and except the Lord or Lords of the said Manor in respect to any Allotment to be made to him or them as Lord or Lords as aforesaid) touching or concerning the respective Shares, Rights, and Interests which they or any of them now have or claim to have in the common Field, Common, or waste Ground so intended to be inclosed as aforesaid, or touching the respective Shares and Proportions which they or any of them ought to have of and in the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners and their Successors, or any Two of them, and they are hereby required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Two of them, are hereby authorized and empowered to administer) and upon other proper and sufficient Enquiry, Evidence, and Satisfaction, to hear and finally determine the same.

And be it further Enacted, That it shall and may be lawful to and for the said Rector and his Successors, by and with the Consent of the Bishop of *Worcester* for the Time being, to lease or demise all or any Part of the Allotment or Allotments to be set out unto him and his Successors, Rectors as aforesaid, by virtue of this Act, to any Person or Persons whomsoever, for any Term or Number of Years, not exceeding Twenty-one Years, without taking any Fine or Fines for any such Lease or Leases, and so as every such Lease or Leases be made without Impeachment of Waste, and so as the Lessee or Lessees to whom such Lease or Leases be made be yearly obliged to spend, spread, and consume in a Husband-like

Power to
lease.

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Manner, in and upon the Premises so to be demised, all the Dung, Manure, Soil, and Compost arising and to arise out of and from the Product thereof, and not elsewhere; and so as there be contained in every such Lease or Leases, Clauses of Re-entry on Non-payment of the Rent and Rents to be therein and thereby reserved, and so as the respective Lessee or Lessees to whom such Lease or Leases shall be so made, do seal, execute, and deliver a Counterpart of every such Lease or Leases; and every such Grant and Lease or Leases so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; any Law, Statute, or Usage to the contrary notwithstanding.

Commissioners to set out Roads.

And it is hereby further Declared and Enacted, That the said Commissioners and their Successors, or any Two of them, shall and may and they are hereby authorized and required to ascertain, set out, and appoint both publick and private Roads or Highways through the new Inclosures and Allotments so to be made as aforesaid, with the Assizes and Breadths thereof, so as all such publick Roads and Highways shall be and remain Sixty Feet broad at the least between the Ditches, except Bridle or Foot-ways (in case any such shall by the said Commissioners be set out) and which said publick Roads and Highways shall be made as straight as possible, and shall at all Times for ever thenafter be repaired and kept in Repair by and at the Expence of all the Inhabitants within the Parish of *Stretton on the Foss* aforesaid, in such Manner as the other Roads and Ways within the said Parish were repaired and kept before the Passing of this Act, and as by the Laws of the Realm the same ought to be repaired and kept; and that it shall not be lawful for any Person or Persons, after the making such new Roads or Ways, to use any Roads or Ways, either publick or private, over the said new Inclosures, on Foot, or with Horses, Cattle, or Carriages, other than such Roads or Ways as shall be so ascertained, set out, and appointed as aforesaid.

Herbage of the Roads to whom the Commissioners shall appoint.

Provided always, That after such intended Division and Inclosure shall be made as aforesaid, all the Grass and Herbage growing and renewing on the said Roads and Ways so to be set out and appointed as aforesaid, shall belong to such of the said Proprietors as the said Commissioners or their Successors, or any Two of them, shall allot the same, exclusive of all Persons whomsoever.

Fences by whom to be made.

And be it further Enacted, by the Authority aforesaid, That where any Parcel of Land so to be allotted as aforesaid shall abut or adjoin upon any Highway, the Hedge, Ditch, or Fence of

of the said Lot or Share, so far as the same abuts or adjoins upon such Highway, shall be maintained at the sole Costs and Charges of the Person or Persons intituled to such Lot or Share for the Time being for ever; and all other the Hedges, Ditches, and Fences to be made for the inclosing, separating, and dividing of the said common Field and Common or waste Ground, pursuant to this Act, shall be made and at all Times thenafter repaired and amended by such Person or Persons (except the said *William Longford* and his Successors, Rectors as aforesaid, in respect of the said Allotment so to be awarded and set out in Lieu of his said Tithes and Glebe Lands, and except the said Feoffees in Trust for the Poor of the said Parish) and in such Manner as the said Commissioners and their Successors, or any Two of them, shall by any Writing or Writings under their Hands and Seals in that Behalf award, order, direct, and appoint, and such Award, Order, and Determinations by the said Commissioners, or any Two of them, in that Behalf shall be binding and conclusive to the several Persons so interested and intituled to such Shares and Allotments as aforesaid.

Provided nevertheless, and it is hereby further Declared and Enacted, That in case any Lands or Grounds upon which any Trees, Underwoods, Thorns, Hedges, Bushes, or Shrubs shall at the Time of such Allotments be standing, growing, or being, shall be allotted and appointed to any Person or Persons other than such as was or were the Proprietor or Proprietors thereof at and immediately before such Allotments, then and in such Case it shall and may be lawful to and for such Owners and Proprietors thereof respectively, at any seasonable Time or Times within the Space of Eighteen Months after such Allotment shall be made as aforesaid, to enter into and upon the Lands and Grounds whereon such Trees, Underwoods, Thorns, Hedges, Bushes, and Shrubs shall be standing and being, and to fell and cut down, and with Horses and Carriages to carry away the same at his and their Wills and Pleasures, to and for his and their own proper Use and Benefit.

Proprietors to
be at Liberty
to remove
Trees, &c.

Provided always, and be it further Enacted, by the Authority aforesaid, That if any Thorns, Hedges, Bushes, or Shrubs now standing upon any the Lands intended to be inclosed as aforesaid, shall be assigned or appointed by the said Commissioners, or any Two of them, as or for a Boundary or Fence for any Allotment or Allotments which shall be made as aforesaid, all such Thorns, Hedges, Bushes, and Shrubs shall be left for the Benefit of such Person or Persons to whom such Allotment or Allotments shall be made by virtue of this Act, he, she, and they paying or making to the former Owner or Proprietors thereof such Sum and Sums

but to leave
Hedges if or-
dered or paid
for.

of Money, or other Allowances or Satisfaction for the same, within Six Months next after such Allotments shall be made as aforesaid, as the said Commissioners, or any Two of them, shall by their said Award in that Behalf order and appoint.

Award to be
made.

And be it further Enacted and Declared, That as soon as conveniently may be, after the said Commissioners shall have completed and finished the Partition and Allotments of the said common Field and Common or waste Grounds hereby directed to be inclosed and divided as aforesaid, pursuant to the Direction of this Act, they or their Successors, or any Two of them, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express and contain the Quantities in Statute Measure of Acres, Roods, and Perches contained in the said common Field and Common or waste Grounds so intended to be inclosed as aforesaid, and the Quantity of each and every Part and Parcel thereof which shall be assigned and allotted to each of the said Parties intitled to and interested in the same, and a Description of the Situation, Buttals, and Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions for fencing and mounding the same, and for keeping the said Mounds and Fences in Repair; and also for making and laying out proper Roads, Ways, and Passages in and through the same Premises; and shall also specify, ascertain, and appoint the several Sums of Money to be paid and contributed for making, keeping, and maintaining the Hedges and Ditches herein before directed to be made and kept up round the Plots or Allotments so to be laid out and allotted to the said *William Longford* in Lieu of his said Tithes and Glebe Lands, and to the said Feoffees in Trust for the Poor of the said Parish as aforesaid, and the several Persons who are to pay and contribute to the same respectively; and also shall contain such other Orders, Regulations, and Determinations as shall be proper and necessary, conformable to the Tenor of this Act; Two Parts of which said Instrument shall be made and fairly wrote on Parchment, and signed and sealed by the said Commissioners, or any Two of them, and One Part thereof shall, within Six Months next after the same shall be so signed and sealed as aforesaid, be inrolled in his Majesty's High Court of Chancery or King's Bench at *Westminster*, or with the Clerk of the Peace for the said County of *Warwick*, and the other Part shall be put into and kept in the Box or Chest wherein the Books and Papers relating to the Parish of *Stretton on the Foss* aforesaid are usually kept, to the end Recourse may be had to the same by any Person or Persons interested in the said intended Inclosure (for the Inspection and Perusal of which said Part so

to be inrolled as aforesaid the Sum of One Shilling shall be paid, and no more) and a Copy thereof, signed by the Clerk of the Inrolments in the Court of Chancery or King's Bench, or of the Peace for the said County with whom the same shall be so filed, purporting the same to be a true Copy (for which no more shall be paid than Two Pence *per* Sheet, each Sheet to contain Seventy-two Words) shall from time to time and at all Times thereafter be admitted and allowed in all Courts whatsoever as legal Evidence of the same; and the several Allotments, Partitions, and Divisions so made by such the said Commissioners, or any Two of them, in and by such Award or Instrument in Writing so executed and inrolled as aforesaid, shall be and are hereby declared to be binding and conclusive unto and upon all and every the several Parties interested in the said common Field and Common or waste Grounds so intended to be inclosed as aforesaid.

And it is hereby further Enacted, That when the said common Field and common Grounds directed and appointed by this Act to be inclosed shall be set out, ascertained, and allotted by the said Commissioners or their Successors, or any Two of them, by such Award, Instrument, or Writing as herein-before mentioned, the several Parcels of Lands and Grounds so to be allotted and set out respectively shall, within Eighteen Months after the signing and sealing the said Award, Instrument, or Writing, be inclosed, hedged, ditched, and fenced in such Manner as the said Commissioners or their Successors, or any Two of them, shall in such their Award order and direct.

Allotments to be inclosed within 18 Months.

And it is hereby further Enacted, That if any Person or Persons shall not, within Eighteen Months next after the signing and sealing of the said Award, inclose, hedge, ditch, drain, and fence the several Parcels of Lands so to be allotted to him, her, or them respectively as aforesaid, in such Manner as the said Commissioners and their Successors, or any Two of them, shall in such their Award order and direct as aforesaid, it shall and may be lawful to and for the Proprietor or Proprietors of or other Person or Persons interested in the Lands next adjoining to the Lands of the Person or Persons so neglecting or refusing as aforesaid, to exhibit a Complaint in Writing against such Person or Persons before One or more of his Majesty's Justices of the Peace for the said County of *Warwick*, not being interested in the Lands so to be inclosed, who shall summon the Parties concerned, examine Witnesses upon Oath to the Nature of the Complaint, and shall order and direct the Person or Persons exhibiting such Complaint to make

Method of proceeding after Persons neglecting to fence.

and repair the Hedges, Ditches, Drains, and Fences of the Person or Persons so neglecting or refusing as aforesaid, and also shall settle the Expences of making and repairing the same; and in case of the Party's Refusal, or neglecting to pay the same upon Demand, shall, by Warrant under his or their Hand and Seal or Hands and Seals directed to the Person or Persons so exhibiting such Complaint as aforesaid, cause the Expences of making and repairing the Hedges, Ditches, Drains, and Fences of the Person or Persons so neglecting or refusing as aforesaid to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Charges of taking and making such Distress and Sale; or otherwise it shall and may be lawful to and for such Justice or Justices of the Peace, by any Writing under his Hand and Seal or their Hands and Seals, to authorize and empower the Person or Persons exhibiting such Complaint as aforesaid to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until therewith the Expences of making and repairing the Hedges, Ditches, Drains, and Fences of the Person or Persons so neglecting or refusing as aforesaid, and also all Expences occasioned by such Perception of the Rents and Profits of the said Premises shall be fully paid and satisfied.

Gaps to be
left.

And it is hereby further Enacted and Declared, That it shall and may be lawful to and for the respective Persons to whom any Lands or Grounds shall be assigned and allotted by virtue of this Act, at all seasonable and convenient Times after such Allotment made, to set out or place Posts and Rails or other Fences on the Outside of the Ditches bounding their respective Allotments, not exceeding Two Feet from such Ditches, for the better Preservation of the Quickset Hedges, and to take and carry away such Posts and Rails or other Fences at the free Will and Pleasure of such Persons respectively; and that convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Space of Eighteen Months next ensuing the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages in, by, and through the same, unless the several Parties interested therein shall agree that the same shall be sooner fenced in, made up, and inclosed.

Power to erect
Gates cross
the Roads.

Provided always, That all and every the Proprietors of the new Inclosures intended to be made pursuant to this Act shall have full Power and Liberty from the Time of making their said Inclosures, to erect or set up any Gate or Gates cross any Part or Parts of the said Roads

Roads to be made through or against his, her, or their own Lands for keeping out Sheep and Cattle, and to prevent their destroying any Banks, Woods, Plants, Quicksets, or Fences, which shall be made or planted for inclosing or tencing any Part or Parcel of the said common Field and Common or waste Grounds in pursuance of this Act.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any of the Persons intituled to any Land or Ground hereby intended to be inclosed, and whose Allotment shall abut upon any Freeboard, and they are hereby authorized and empowered to set any Gates or Fences across such Freeboard for the Purpose of keeping off the Cattle from the Fences to be made by virtue of this Act.

And be it further Enacted and Declared, by the Authority aforesaid, That the several Lands and Grounds to be divided, assigned, set out, allotted, and appointed unto and for the several Persons who by virtue of this Act shall be intituled to the same, shall be in full Bar of and in full Satisfaction and Compensation for their several and respective Pieces and Parcels of Ground, which before the Passing of this Act were and are lying dispersed in the said common Field, and Common or waste Grounds within the Parish of *Stretton on the Foss* aforesaid; and also in full Bar of and in Satisfaction and Compensation for their several and respective Tithes, Right of Common, and other Rights and Properties whatsoever, in, over, and upon the said common Field and Common or waste Ground respectively, and from and immediately after the making of the said Division and Allotments, and Execution of the said Award or Instrument, of such Tenor and Purport as aforesaid, all Right of Common belonging to or claimed by all and every the said Owners, Proprietors, or Occupiers of Lands, Tenements, or other Hereditaments within the Parish of *Stretton on the Foss* aforesaid, in, over, and upon the said common Field and Common or waste Ground, and every Part thereof, and all Tithes whatsoever payable out of, for, or in respect of the Lands and Grounds hereby directed and intended to be inclosed as aforesaid, and of the ancient Inclosures, for the Tithes of which other Lands shall be allotted and awarded in Lieu thereof by virtue of this Act, shall terminate and be for ever extinguished.

And be it further Enacted and Declared, by the Authority aforesaid, That from and after the Tenth Day of *October* One thousand Seven hundred and Seventy-one all Leases at Rack-Rent then subsisting, and all Agreements of or for any Term or Rack-Rent Leases to be void.

Number of Years, of or in any of the Lands to be inclosed or exchanged by virtue of this Act, or of or for all or any Part of the said Tithes, in Lieu whereof any Lands shall be allotted by virtue of this Act, shall, so far as the same affect any such Lands and Tithes, cease, determine, and be utterly void for all the then Residue of the said Term to come therein respectively; and that the respective Lessors or Landlords shall pay or allow such Sum or Sums of Money, or other Satisfaction, to the respective Lessees or other Persons interested in any such Leases or Agreements so to be determined or made void as aforesaid, as the said Commissioners, or any Two of them, who are hereby authorized and required to settle and adjust the same, shall in their Judgment think a full Equivalent and Compensation for all such Losses and Damages as such Lessees or other Persons shall sustain by reason of the said Leases and Agreements being made void in respect of such Lands and Tithes as aforesaid; and in case of Refusal to pay such Sum or Sums, or to make Satisfaction as aforesaid, that then the same shall be recovered by such Lessees or other Persons as aforesaid by Action of Debt, or on the Case, in any of his Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

New Allotments to be subject to old Uses.

Provided always, That nothing in this Act contained shall extend or be construed, deemed, adjudged, or taken to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands and Grounds so intended to be divided and inclosed, or which shall be exchanged in pursuance of this Act, or any Part thereof respectively, but that the several Lands and Grounds so to be assigned and allotted upon such Inclosure and Division to the several Parties concerned, or their Trustees respectively, and which shall be taken in Exchange in pursuance of this Act, shall immediately after such Allotments or Exchanges be, remain, and enure, and the several Persons to whom the same shall be assigned and allotted, and given in Exchange as aforesaid, shall, from thenceforth stand and be seised thereof to such and the same Uses, and to and for such and the same Estates, and subject to such and the same Wills, Limitations, Remainders, Charges, Tenures, Rents, Services, and Incumbrances, as the several Lands, Grounds, Tenements, and Hereditaments, in Lieu whereof such Allotments and Exchanges shall be made as aforesaid, now are or should and would have been subject and liable to be charged with or affected by in case the same had remained uninclosed and unexchanged, or this Act had not been made.

And

And be it further Enacted and Declared, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and they are hereby impowered to direct, order, and award all Streams of Water, Springs, or Watercourses in the Parish of *Stretton on the Foss* aforesaid, to be carried and conveyed to such Courses, and through such Lands and Grounds, Parcels of the Lands hereby directed to be inclosed, as they in their Discretion shall think proper for the Purpose of furnishing such of the Proprietors new intended Allotments or Shares with Water, where the said Commissioners in their Judgment shall think the same wanting; provided that such Streams or Watercourses be not so diverted or turned as to materially damage others intitled to the same.

Provided always, and it is hereby further Enacted, That in the mean Time and until the Execution of the said Award or Instrument, all the Tillage Lands lying in the said common Field and Common or waste Grounds so to be inclosed as aforesaid, shall be kept, ordered, and continued in such Course of Husbandry in regard to the plowing, sowing, or laying down the same, or any Part thereof, with Grass Seeds, as the Commissioners or their Successors, or any Two of them, shall direct or appoint, and that no Meadow, Pasture, or Fresh Ground in the said common Field and common Grounds hereby intended to be inclosed, shall before that Time be plowed, broke up, or converted into Tillage, under the Penalty of Five Pounds for every Acre of Land, and so in Proportion for every greater or lesser Quantity than an Acre so to be plowed or broke up, to be recovered for the Use of the Poor of the Parish of *Stretton on the Foss* aforesaid by Action of Debt, or on the Case, in any of his Majesty's Courts of Record at *Westminster*, by any Person or Persons who shall think fit to sue for the same, over and above his, her, and their Costs of Suit.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Proprietors for the Time being of the said Land and Ground so to be inclosed as aforesaid, such Proprietors being Trustees or Feoffees of any charitable Lands, or being Tenants in Tail or for Life only (except the said *William Longford* and his Successors, Rectors as aforesaid, in respect of the Land and Ground to be allotted to him and them as such) and to and for the Husbards, Guardians, Trustees, Committees, or Attornies of any such Proprietor or Proprietors, being under Coverture, Minors, Ideots, Lunaticks, or beyond the Seas, or being under any other Disability whatsoever, by and with the Consent of the said Commissioners, or any Two of them, to charge the said

said Land and Ground, which shall be assigned and allotted to them the said Proprietors respectively by virtue of this Act, with any Sum or Sums of Money, not exceeding Forty Shillings an Acre; and for securing the Re-payment of such Sum and Sums of Money so to be advanced, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the said Land and Ground to be allotted and assigned as aforesaid, unto such Person or Persons as shall advance and lend the same respectively, his and their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as in every such Grant or Demise which shall be made by any Person or Persons interested in or intitled to any such mortgaged Premises for the Term of their natural Lives only, or by his, her, or their Trustee or Trustees, Guardian or Guardians, there be contained a Covenant to pay and keep down the Interest of the said Money to be thereby respectively secured during his, her, or their respective Lives; and no Persons afterwards becoming possessed of any such Lands or Grounds shall be liable to the Payment of any larger Arrear of Interest than for One Year preceding the Time when the Title of such Possession accrued; and every such Grant, Surrender, Mortgage, Lease, or Demise of the said Grounds, Lands, and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees, Committees, or Attornies, or in the Persons acting as such, or in the said Tenants in Tail or for Life, or by reason of any Settlement, Deed, Will, Trust, Use, Remainder, Limitation, or other Impediment or Incumbrance whatsoever of or concerning the same Grounds, Lands, and Premises, or any Part or Parcel thereof.

Power to
choose new
Commission-
ers on Death,
&c.

And it is hereby further Enacted, by the Authority aforesaid, That when and as often as any or either of the Commissioners appointed by this Act, or to be elected in Manner herein-after mentioned, shall die or refuse to act, then and in such Case the surviving acting Commissioner or Commissioners shall from time to time, within Three Months next after the Death or Refusal of such Commissioner or Commissioners to act, by Writing under his or their Hands and Seals, appoint One or more Commissioner or Commissioners, not interested in the said intended Inclosures, in the Stead and Place of each and every Commissioner or

Com-

Commissioners so dying or refusing to act as aforesaid ; and every such Commissioner or Commissioners so to be appointed shall have the like Power and Authority by virtue of this Act as the Commissioner or Commissioners in whose Place or Places he or they shall succeed was or were vested with : Provided that Notice be given in the Parish Church of *Stretton on the Foss* aforesaid of the Time and Place of Meeting to choose such Commissioner or Commissioners, at least Fourteen Days before every such Meeting.

And be it further Enacted and Declared, by the Authority aforesaid, That the said Commissioners shall be respectively paid One Pound Eleven Shillings and Six Pence a Piece for each Day they shall respectively travel or be from Home for the Purposes of this Act, in full Satisfaction for the Trouble and Expences which they shall be put unto respectively in the Execution of this Act ; and that the same, together with all the Charges and Expences incident to and attending the Obtaining and Passing of this Act, and of the surveying, measuring, dividing, and allotting the Lands and Grounds intended to be inclosed as aforesaid, and of the preparing and inrolling the said Award or Instrument, and all other necessary Expences in and about the Premises, shall be paid, borne, and defrayed by the Owners and Proprietors and Persons interested of and in the said Lands and Grounds so intended to be inclosed (other than and except the said Rector of *Stretton on the Foss* and his Successors, in respect of his and their Tithes and Glebe Lands as aforesaid, and other than the said Feoffees in Trust for the Poor of the said Parish only) in Proportion to the respective Shares, Interests, and Properties therein ; and if any Dispute shall arise concerning any Share or Proportion of such Charges and Expences, the same shall be settled and determined by the said Commissioners or their Successors, or any Two of them ; and in case any of the Persons aforesaid shall refuse or neglect to pay his, her, or their Share or Proportion of such Charges and Expences within the Time to be limited by the said Commissioners, or any Two of them, to such Person or Persons as they shall appoint to receive the same, then the said Commissioners, or any Two of them, shall and may, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale, or otherwise the said Commissioners, or any Two of them, shall and may by themselves, or by any other Person

Expences of obtaining this Act, by whom to be paid.

son authorized by them by Writing under their Hands, enter upon the Premises so to be allotted to such Person or Persons refusing to pay as aforesaid, and to receive and take the Rents and Profits thereof respectively, until thereby or therewith the Share or Shares, Proportion or Proportions of the said Costs and Charges so to be directed, awarded, and appointed by the said Commissioners to be paid by such Person or Persons as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Perception of the Rents and Profits of the same Premises, shall respectively be fully satisfied and paid.

Appeal to the
Quarter Sessions

Provided always, and be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by the Determination of the said Commissioners, in respect of any Thing done in pursuance of this Act, other than and except such Orders and Determinations of the same Commissioners which are herein before declared to be final and conclusive, then and in every such Case it shall and may be lawful to and for any such Person or Persons, at any Time within Three Months after such Settlement or Determination shall have been made, to appeal to the General Quarter Sessions to be held in and for the said County of *Warwick*, giving Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid to the said Commissioners and their Successors, or any Two of them, who shall have acted in such Settlement or Determination as aforesaid; and the Justices of the Peace assembled at such General Quarter Sessions are hereby required and authorized to hear the Matter of such Appeal, and to make such Order, Award, and Determination therein, as to them shall appear to be just and reasonable; and every such Order, Award, and Determination shall be final and conclusive.

Notice of
Commissioners
Meeting.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners or their Successors, or any Two of them, do and shall and they are hereby required to give publick Notice in the Parish Church of *Stretton on the Foss* aforesaid, upon *Sunday* immediately after Divine Service, of the Time and Place of the First Meeting of the said Commissioners for the Executing of the Powers hereby vested in them, at least Fourteen Days before such Meeting, and shall also give the like Notice of Fourteen Days of every subsequent Meeting for putting in Execution the Powers vested in them by this Act at the Parish Church aforesaid; Meetings by Adjournment only excepted.

And

And be it further Enacted, by the Authority aforesaid, That the several Months herein before-mentioned shall be deemed and taken to be Calendar Months.

Provided always, and it is hereby further Enacted and Declared, by the Authority aforesaid, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of any Person or Persons, Bodies Politick and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators, as Lord or Lords of the Manor or reputed Manor of *Stretton on the Fosi*, of, in, and to the Seigniories and Royalties incident or belonging to the said Manor; but that such Person or Persons, Bodies Politick and Corporate, Lord or Lords of the said Manor, and all and every other future Lord or Lords of the same Manor for the Time being, shall and may from time to time and at all Times hereafter hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, and all other Royalties, Rights, and Privileges to the said Manor incident and appendant, and belonging or appertaining (other than and except the Right to the Soil and Inheritance of such Parcels of Land as shall be allotted by virtue of this Act to any Person or Persons, and also except such Right of Common as can or may be claimed by such Person or Persons, Bodies Politick and Corporate, Lord or Lords of the said Manor, in and upon the said common Field and Common or waste Ground hereby intended to be inclosed as aforesaid) in as full, ample, and beneficial Manner to all Intents and Purposes as he, she, or they might or could have held or enjoyed the same before the Passing of this Act, or in case the same had not passed.

Saving to the
Lords of the
Manor.

And be it further Enacted, by the Authority aforesaid, That no Person or Persons shall be capable of acting as a Commissioner or Commissioners in the Execution of the Powers given and directed by this Act (unless it be the Power hereby given of administering Oaths) until he and they shall have taken an Oath to the following Effect:

I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Trusts reposed in me, and hear and determine all such Matters and Things as shall be brought before me as a Commissioner by virtue of an Act of Parliament "for Dividing and Inclosing certain Open and Common Fields called Stretton Common Field, and certain Common

Oath.

*" or Waste Grounds called Stretton Heath and Stretton Horsflead, in
" the Parish of Stretton on the Foss, in the County of Warwick."*

Which Oath it shall and may be lawful for any One or more of the said Commissioners to administer, and he and they are hereby required to administer the same to any other of the said Commissioners; and that the said Oath so taken and subscribed by each Commissioner shall be inrolled with the Clerk of the Peace for the said County of *Warwick* at the same Time as the Award or Instrument of Allotment made by the said Commissioners is in and by this Act directed and enacted to be inrolled.

Quality-
man's Oath.

And be it further Enacted, That no One or more of the said Commissioners, or any other Person to be appointed by them, shall be capable of acting under such Appointment as a Quality Man, Valuer, or Appraiser of the Lands hereby directed to be inclosed, until he shall have taken and subscribed the following Oath:

I A. B do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, and without Favour or Affection to any Person whatsoever, value, quality, and appraise all and every the Lands and Grounds directed to be divided and inclosed by virtue of an Act " for Dividing and Inclosing certain Open and Common Fields called Stretton Common Field, and " certain Common or Waste Grounds called Stretton Heath and Stretton Horsflead, in the Parish of Stretton on the Foss, in the " County of Warwick," or such Part or Parts thereof as I shall hereafter be directed or employed to quality, value, and appraise by the Commissioners appointed by the said Act; and that I will do and execute all other Things appertaining to the Office of a Quality Man truly, honestly; and impartially, according to the best of my Skill and Knowledge.

So help me G O D.

Which said Oath it shall and may be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same; and the said Oath, so taken and subscribed by each Quality Man, shall be inrolled in the same Place that the Award or Instrument of Allotment to be made by the said Commissioners is in and by this Act directed to be inrolled.

General
Saving.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the

the several Persons to or for whom any Allotment or Allotments shall be made by virtue of this Act, in respect of the Interest and Property for which such Allotments shall be made, and his, her, and their respective Heirs, Executors, and Administrators) all such Estate, Right, Title, Interest, Claim, and Demand, as they, every or any of them, had and enjoyed of, in, to, or out of the said Lands, Grounds, and Premises so directed to be inclosed as aforesaid before the passing this Act, or could or might have had or enjoyed in case the same had not been made.

A N
A C T

F O R

Dividing and Inclosing certain Open
and Common Fields called *Stret-*
ton Common Field, and certain
Common or Waste Grounds called
Stretton Heath and *Stretton Horse-*
stead, in the Parish of *Stretton on*
the Foss, in the County of *War-*
wick.

[1771.]